



Australian Capital Territory

# **Protection of Public Participation Regulation 2010**

**SL2010-10**

made under the

**Protection of Public Participation Act 2008**

**Republication No 1**

**Effective: 2 April 2010**

Republication date: 2 April 2010

Regulation not amended

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Protection of Public Participation Regulation 2010*, made under the *Protection of Public Participation Act 2008* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 2 April 2010. It also includes any commencement, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Protection of Public Participation Regulation 2010

made under the

**Protection of Public Participation Act 2008**

## Contents

---

	Page
1 Name of regulation	2
3 Notes	2
4 Working out financial penalty—Act, s 9 (3)	2
<b>Endnotes</b>	
1 About the endnotes	4
2 Abbreviation key	4
3 Legislation history	5
4 Amendment history	5

---

R1  
02/04/10

Protection of Public Participation Regulation 2010  
Effective: 02/04/10

contents 1





Australian Capital Territory

# Protection of Public Participation Regulation 2010

---

made under the

**Protection of Public Participation Act 2008**

---

**1 Name of regulation**

This regulation is the *Protection of Public Participation Regulation 2010*.

**3 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

**4 Working out financial penalty—Act, s 9 (3)**

- (1) In working out a financial penalty, a court must consider the following matters:
  - (a) the extent to which the defendant, or anyone else, is, or could be, discouraged from engaging in public participation;
  - (b) the costs and hardships imposed on the defendant by the improper proceedings;
  - (c) the extent to which the plaintiff benefited from the improper proceedings;
  - (d) the effect on the defendant's ability to engage in public participation;
  - (e) the steps taken by the plaintiff and defendant to avoid litigation.
- (2) The matters mentioned in subsection (1) do not limit the matters a court may consider in working out a financial penalty.
- (3) In working out a financial penalty, a court is not limited by—
  - (a) any other proceeding under another territory law in relation to the plaintiff's conduct; or
  - (b) any other penalty imposed on the plaintiff under territory law.

(4) In this section:

***improper proceedings*** means proceedings started or maintained for an improper purpose.

*Note* ***Improper purpose***—see the [Act](#), s 6.

## Endnotes

1 About the endnotes

---

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	R1 = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired



**3 Legislation history****Protection of Public Participation Regulation 2010 SL2010-10**

notified LR 1 April 2010

s 1, s 2 commenced 1 April 2010

remainder commenced 2 April 2010 (s 2)

**4 Amendment history****Commencement**

s 2 om LA s 89 (4)

© Australian Capital Territory 2010